

Appl. No. 10/053,194  
Response Dated: June 21, 2004  
Reply to Office Action of March 23, 2004

**REMARKS/ARGUMENTS**

Examiner asserts that group I is distinct from groups II and III as group I is directed to a product and groups II and III are directed to different methods of practicing the product of group I.

Applicants respectfully traverse this Restriction Requirement. The claims of group I are directed to E1-complementing cell lines useful for the production of recombinant E1-defective adenoviruses in the absence of detectable replication-competent adenovirus. The claims of group II are directed to methods for packaging of E1-defective adenoviral particles in the absence of replication competent adenovirus, and the claims of group III are directed to methods for amplifying E1-defective adenoviral particles in the absence of replication competent adenovirus.

The products of group I are elements that can be utilized in the methods of group II and III. Applicants believe there would be no search burden placed on Examiner by searching all groups together.

Applicants respectfully request withdrawal of this restriction requirement based on the above remarks.

Examiner asserts that groups II and III are unrelated because they involve different method steps and utilize different products.

Applicants respectfully traverse this Restriction Requirement. The present invention discloses the use of E1-complementing cells in producing E1-deleted adenovirus through both packaging and amplification. (See specification generally, and specifically at pages 8 and 14). This is further supported in the specification at page 2, lines 27-30, where the object of the invention is recited as a "stable E1-complementing cell line ... which produces high yields of E1-defective adenoviruses". Further, for amplification to produce high titers of adenoviral particles for delivery, the E1-defective

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vector needs to be packaged. Therefore, a search of Group II would be encompassed within a search of Group III. Applicants believe that there would be no search burden placed on Examiner by searching Group II and Group III together.

Applicants respectfully request withdrawal of this restriction requirement based on the above remarks. In the alternative, Applicants reserve the right to request rejoinder under MPEP §821.04.

For the purposes of the provisional election of the claims of group I, Applicants assert that inventorship is correct with respect to the claims of group I.

The Director is hereby authorized to charge any deficiency or credit any overpayment in any fee due with this paper to our deposit account number 08-3040.

Respectfully submitted,

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